



California Fair Political Practices Commission

September 30, 1988

Dorothy Benker
25501 Sugar Pine Drive
Pioneer, California 95666

Re: Your Request for Advice
Our file No. 88-345

Dear Mrs. Benker:

Your August 23, 1988, letter to Attorney General John Van de Kamp has been referred to the Fair Political Practices Commission. You have requested advice concerning your disclosure responsibilities under the conflict of interest provisions of the Political Reform Act (the "Act").^{1/}

QUESTION

Are you obligated to file a Statement of Economic Interests (Form 730) because of your position as a Commissioner on the Amador County Airport Land Use Commission?

CONCLUSION

The conflict of interest code for the Amador County Airport Land Use Commission is not yet in effect. Commissioners will be designated in the conflict of interest code. Therefore, when the code becomes effective you will be required to file a statement of economic interests.

FACTS

The County of Amador is in the process of adopting a conflict of interest code for the Amador County Airport Land Use Commission which is wholly within the County of Amador. The conflict of interest code for the Amador County Airport Land Use Commission has not become effective yet. The Amador County Board of Supervisors is the code reviewing body for this commission.

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise noted. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

Dorothy Benker
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ANALYSIS

Each state and local government agency is required to submit a conflict of interest code for approval within six months after the agency comes into existence. (Section 87303.) The proposed conflict of interest code must be approved by the code reviewing body. Review and approval of the code must be carried out under procedures which guarantee to officers, employees, members and consultants of the agency and to residents of the jurisdiction adequate notice and a fair opportunity to present their views. (Section 87311.) Conflict of interest codes become effective 30 days after approval. Initial Statements of Economic Interests (Form 730) must be filed no later than 30 days after the effective date of the conflict of interest code. (Section 87302.)

As a designated employee, you must file a statement of economic interests pursuant to the disclosure category for your position as set out in the conflict of interest code. On an "initial" statement, you must disclose investments and interests in real property of the type described in your disclosure category owned directly, indirectly or beneficially by you, your spouse or your dependent children if the interests are located in or doing business in your jurisdiction.^{2/}

I hope this has been helpful to you. If you have any additional questions, please call me at (916) 322-5662.

Very truly yours,

Diane M. Griffiths
General Counsel



By: Alice Hughes
Technical Assistance &
Analysis Division

AAH:ssa

^{2/} "Jurisdiction" means the district or other geographical area in which the Amador County Airport Land Use Commission has jurisdiction. Real property is "within the jurisdiction" if the property is located in or within two miles of any land owned or used by the Commission.

25501 Sugar Pine Drive
Pioneer, CA 95666

August 23, 1988

Attorney General John Van de Kamp
1515 K Street, #511
Sacramento, CA 95814

Dear Sir:

I am a retired private citizen serving as a Commissioner on the Amador County Airport Land Use Commission.

Amador County Counsel provided Commissioners with State of California (FPPC) 1987-1988 Form 730 Statement of Economic Interests forms to be filled out.

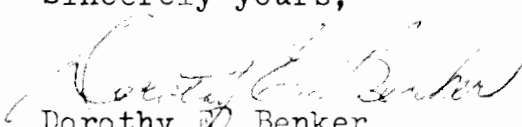
I consulted the Amador County Clerk for a Disclosure Category and was informed there is nothing in place in the County requiring my filing this form.

- My economic interests are held jointly with my husband and he refuses disclosure of our holdings, none of which are in conflict with the airport.

My question is this. Is filing a Statement of Economic Interests a requirement of my serving as a Commissioner on the Airport Land Use Commission?

I would appreciate an answer to my question as soon as possible, and I thank you very much for your assistance in this matter.

Sincerely yours,


Dorothy D. Benker

JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE



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August 30, 1988

P.O. BOX 944255
SACRAMENTO 94244-2550
Public Inquiry Unit: (916) 322-3360

Toll Free—California Only:
800-952-5225

Fair Political Practices Commission
428 J Street, Suite 800
Post Office Box 807
Sacramento, CA 95804

CORRESPONDENCE RECEIVED FROM:

Dorothy Benker
25501 Sugar Pine Drive
Pioneer, CA 95666

We are forwarding the enclosed letter for whatever action you deem appropriate.

The correspondent has been informed of our action. Please contact this office if we can be of assistance to you. You may reach me at (916) 324-5765.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General


PETER E. KINGREN, Analyst
Public Inquiry Unit

PEK:mec
Enclosure

JOHN K. VAN DE KAMP
Attorney General

State of California
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Dear Ms. Benker:

This is in response to your letter dated August 23, 1988.

This is to acknowledge and thank you for the information contained in your letter to Attorney General Van de Kamp.

The following agency is in a much better position to render assistance to you in this matter.

We are therefore forwarding your inquiry to:

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Please send all further correspondence regarding this matter to the above address.

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Attorney General


PETER E. KINGREN, Analyst
Public Inquiry Unit

PEK:mec

88-345

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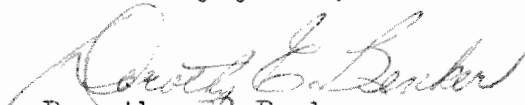
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I would appreciate an answer to my question as soon as possible, and I thank you very much for your assistance in this matter.

Sincerely yours,


Dorothy E. Benker



California Fair Political Practices Commission

September 6, 1988

Dorothy Benker
25501 Sugar Pine Drive
Pioneer, CA 95666

Re: 88-345

Dear Ms. Benker:

Your letter requesting advice under the Political Reform Act was received on August 31, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

A handwritten signature in cursive script, reading "Jeanne Pritchard", followed by a small flourish.

Jeanne Pritchard
Chief

Technical Assistance and Analysis
Division

JP:plh